

**REMARKS**

Claims 1-20 have been examined. The Examiner has maintained the 35 U.S.C. § 112, first paragraph, rejections of claims 5, 8-10, 15 and 18-20, and has asserted new grounds of rejection under 35 U.S.C. § 103(a) for claims 1-20.

**I. Formal Matters**

Applicant thanks the Examiner for considering the references cited with the Information Disclosure Statement filed October 25, 2005.

**II. Claim Rejections under 35 U.S.C. § 112, first paragraph**

Claims 5, 8-10, 15, 18-20 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement.

Applicant thanks the Examiner for the courteous and productive telephone interview on February 27, 2006, in which the 35 U.S.C. § 112, first paragraph, rejections of claims 5, 8-10, 15, 18-20 were discussed. The Examiner has agreed that it has long been recognized by those skilled in the art that interference mechanisms, for example, electromagnetic radiation either naturally occurring or produced by man-made transmission sources, may act on signals transmitted between transmitters and intended receivers to corrupt the transmitted signals.

The Examiner has now recognized that checking for valid data at a receiver side of a transmission system is not inconsistent with transmitting valid data from a transmitter side of a transmission system, and has agreed to withdraw the 35 U.S.C. § 112, first paragraph, rejections of claims 5, 8-10, 15, 18-20.

### **III. Claim Rejections under 35 U.S.C. § 103(a)**

Claims 1-3, 7, 11-13 and 17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over JP10-098702 to Tsunoda et al. (“Tsunoda”), in view of JP2002-354436 to Nakamura et al. (“Nakamura”) and JP2000-078545 to Inoue (“Inoue”). Applicant traverses these rejections.

Regarding independent claim 1, the combination of Tsunoda, Nakamura and Inoue does not disclose or suggest at least an image processing section which checks whether said picked-up picture data is valid or invalid to determine whether a substitute picture should be transmitted. The Examiner admits that the combination of Tsunoda and Nakamura does not disclose or suggest the above features. Inoue does not cure the deficiencies of Tsunoda and Nakamura.

Inoue merely discloses a system that determines whether the ambient light level is such that a photograph can be taken. According to the disclosure of Inoue, if the light quantity is not sufficient for photographing by an imaging device, a previously designated image is transmitted (Abstract and paragraphs 0006-0010). Therefore, Inoue does not use an image processing section to check the validity of image data of a photograph that has been taken. Instead, Inoue senses whether a photograph should be taken in the first place.

For at least the above reasons, claim 1 is patentable over the combination of Tsunoda, Nakamura and Inoue. Independent claim 11 contains features similar to the features recited in claim 1, therefore claim 11 is patentable for similar reasons. Claims 2, 3, 7, 12, 13 and 17, which depend from one of claims 1 and 11, are patentable at least by virtue of their dependencies.

Claims 4, 6, 14 and 16 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsunoda in view of Nakamura and Inoue as applied to claims 1 and 11, and further in view of JP 401213087A to Aida (“Aida”). Applicants traverse these rejections.

The combination of Tsunoda, Nakamura, Inoue and Aida does not disclose or suggest at least an image processing section which checks whether said picked-up picture data is valid or invalid to determine whether a substitute picture should be transmitted. As noted above, the combination of Tsunoda, Nakamura and Inoue does not disclose or suggest these features. Aida does not cure the above deficiencies.

Aida discloses motion compensation processing of a photograph whereby selected picture element block position information is encoded and stored for transmission (*see* Abstract). Based on the motion compensation processing, selected picture element blocks of a processed picture signal may be determined as invalid, however the valid picture element blocks of the processed picture are transmitted (*see* Abstract). Therefore, Aida does not disclose or suggest the use of substitution picture data, but rather transmits the picture comprised of the motion compensated picture element blocks.

Since Aida does not cure the deficiencies of Tsunoda, Nakamura and Inoue, claims 4, 6, 14 and 16 are patentable over the combination of Tsunoda, Nakamura, Inoue and Aida.

Claims 5 and 15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsunoda in view of Nakamura, Inoue and Aida as applied to claims 1 and 11, and further in view of JP2002-077840 to Kato et al. (“Kato”). Applicant traverses these rejections.

The combination of Tsunoda, Nakamura, Inoue, Aida and Kato does not disclose or suggest at least an image processing section which checks whether said picked-up picture data is valid or invalid to determine whether a substitute picture should be transmitted. As noted above, the combination of Tsunoda, Nakamura, Inoue and Aida does not disclose or suggest these features. Kato discloses displaying a video image of the user or an animation video, based on the user's choice, but does not cure the above deficiencies. Therefore, claims 5 and 15 are patentable over the combined references.

Claims 8-10, and 18-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakamura in view of Aida, Inoue and Kato. Applicant traverses these rejections.

With regard to independent claim 8, the combination of Nakamura, Aida, Inoue and Kato does not disclose or suggest at least wherein an image processing section checks whether reception picture data is valid or invalid. The Examiner admits that the combination of Nakamura, Aida and Kato does not disclose or suggest the above features. Inoue does not cure the deficiencies of the combination.

As noted above, Inoue merely discloses a system that determines whether the ambient light level is such that a photograph can be taken, and, if the light quantity is not sufficient for photographing by an imaging device, a previously designated image is transmitted (Abstract and paragraphs 0006-0010). Therefore, Inoue does not use an image processing section to check whether reception picture data is valid or invalid.

For at least the above reasons, claim 8 is patentable over the combination of Nakamura, Aida, Inoue and Kato. Independent claim 18 contains features similar to the features recited in claim 8, therefore claim 18 is patentable for similar reasons. Claims 9, 10, 19 and 20, which depend from one of claims 8 and 18, are patentable at least by virtue of their dependencies.

#### **IV. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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